

ROSWELL W. HASKINS.

[To accompany bill H. R. No. 760.]

JANUARY 24, 1857.

Mr. SIMMONS, from the Committee on the Judiciary, made the following

REPORT.

*The Committee on the Judiciary, to whom were referred the petition, papers, and proofs in the case of Roswell W. Haskins, of Buffalo, have had the same under consideration, and report :*

That the material facts established in the case are as follows : Pierre A. Barker was collector at the port of Buffalo creek in the State of New York during most of the administration of President Jackson, and John W. Clark and Philander Hodge, of Buffalo, together with the petitioner, Roswell W. Haskins, were his bail as such collector.

At the commencement of Mr. Van Buren's administration, early in 1837, Barker was superseded. Barker and all of his bail then thought themselves, and were esteemed by others, to be wealthy ; but in the great revulsions that followed in 1837, '38, and '39, their property was swept away, Barker became poor, and Clark and Hodge took the benefit of the bankrupt law of the United States. The petitioner lost over \$150,000 by the discharge in bankruptcy of those who were indebted to him ; and he, broken down and discouraged, would afterwards have taken the benefit of the bankrupt law, but could not raise money enough to pay the costs of doing so. He is now over sixty years of age, with a large family, four of whom are minors, dependent upon him for support, and to maintain which he receives to some extent the voluntary contributions of his sons over age, who labor with their hands for a living.

From the spring of 1837, when Barker was suspended, until 1841, the bail had not a suspicion that Barker was a defaulter, but believed his accounts with the government were all settled, he having frequently assured them that such was the fact.

During all of that time the government gave no notice to the bail and took no steps against Barker, from which the bail could infer their principal was a defaulter. Some of the bail had large dealings with Barker after he was superseded, and could have saved themselves without loss had they known or suspected he was a defaulter.

One of the bail, John W. Clark, paid him \$15,000 at one time in the month of August, 1837.

In 1841, the government commenced suit against Barker and the bail, which was the first reason the bail had to think Barker was a defaulter; and in May, 1841, a judgment was recovered in that suit on the bail bond, against Barker and the bail, for \$5,537 57 of debt, and \$154 28 of damages and costs.

Among other things, Haskins states, in his petition, and in a manner that carries conviction to the committee, as follows:

"Barker is west, in parts unknown to me. This liability I cannot pay, and thus circumstanced, to leave this claim resting on me, is only to cripple my efforts for the support of a large family, without the possibility of any good to the government, whilst it would be an act of personal hardship to me," &c.

The district judge for the northern district of New York, and Judge Clinton, who was afterwards collector of that port, and then district attorney of that district, express their decided convictions that the government will lose nothing by Haskins' discharge, and that the equities of his case are such that the prayer of his petition ought to be granted.

Whilst the committee are of opinion that upon technical rules and principles of law the petitioner is not entitled to relief, yet they have not failed to see that the delay and inattention of the government in taking steps to enforce collection from Barker for four years, is the probable cause of the petitioner being found in his present disagreeable and hopeless condition.

If there was too much confidence reposed in Barker by the bail in relying upon his word as to the adjustment and settlement of his accounts with the treasury, so, too, there was too great a degree of laxity and inattention on the part of the government in waiting until so late a day before commencing the enforcement of the demand.

The committee are fully satisfied that the petitioner is hopelessly poor, and that there is no reasonable expectation anything can ever be collected from him on the judgment.

It ought not to be, and never has been, the policy of any wise and just government to discourage the citizen and keep him in a crippled state of poverty and dependence, restraining his enterprise and breaking his spirit, by holding over him for life a fruitless claim, and playing towards him the part of a severe, hard, and grasping creditor, when, as in this case, he is hopelessly, honestly, and honorably poor; a far better and wiser policy is to release him from such a position and unbind his energies for future usefulness.

Entertaining these views, the committee report the accompanying bill for his relief, and recommend its passage.